

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ZACKARY ELLIS SANDERS,

Defendant.

Case No. 1:20-cr-00143  
The Honorable Judge Ellis  
Trial: October 19, 2021

**CONSENT MOTION TO SEAL AND MEMORANDUM IN SUPPORT OF SAME**

Pursuant to Local Criminal Rule 49(E), defendant, Zackary Ellis Sanders, through counsel, moves for an order permitting the defense to file under seal portions of Mr. Sanders's Memorandum in support of this Motion to Supplement the Record and Renew his Motion to Compel Exculpatory Material or, in the Alternative, to Submit Exculpatory Material for *In Camera* Review ("Memorandum") and Exhibits in Support of the Same. A proposed order is attached for the consideration of the Court.<sup>1</sup> In support of this motion, the defense further submits as follows:

**I. Item to be Filed Under Seal, and Necessity for Sealing**

A. Mr. Sanders asks the Court to seal portions of the Memorandum and exhibits, which pertain to and refer to material that is under a protective order. *See* 1:20-MJ-114 ECT No. 28. The

---

<sup>1</sup> The document to be filed under seal will be filed with the Court non-electronically pursuant to Local Criminal Rule 49(E) and the Electronic Case Filing Policies and Procedures (*see* p. 21). Pursuant to the Local Rules, the sealed document is to be treated as sealed pending the outcome of this motion.

defense has endeavored to seal only the minimum necessary portion of its Memorandum and the Exhibits.

B. Filing the motion partially under seal is necessary because the Memorandum contains discussion of material that is subject to a protective order. *See* 1:20-MJ-114 ECT No. 28.

C. Counsel for Mr. Sanders has considered procedures other than filing under seal and none will suffice to protect disclosure of this information subject to a protective order.

## **II. Previous Court Decisions Which Concern Sealing Documents**

The Court has the inherent power to seal materials submitted to it. *See United States v. Wuagneux*, 683 F.2d 1343, 1351 (11th Cir. 1982); *State of Arizona v. Maypenny*, 672 F.2d 761, 765 (9th Cir. 1982); *Times Mirror Company v. United States*, 873 F.2d 1210 (9th Cir. 1989); *see also Shea v. Gabriel*, 520 F.2d 879 (1st Cir. 1975); *United States v. Hubbard*, 650 F.2d 293 (D.C. Cir. 1980); *In re Braughton*, 520 F.2d 765, 766 (9th Cir. 1975). “The trial court has supervisory power over its own records and may, in its discretion, seal documents if the public’s right of access is outweighed by competing interests.” *In re Knight Pub. Co.*, 743 F.2d 231, 235 (4th Cir. 1984).

## **III. Period of Time to Have the Document Under Seal**

The materials to be filed under seal should remain sealed until further order of this Court.

Accordingly, Mr. Sanders respectfully requests that this Court enter an order allowing the defense to file under seal portions of Memorandum and Exhibits.

Dated: August 5, 2021

Respectfully submitted,  
/s/ Jonathan S. Jeffress  
Jonathan S. Jeffress (#42884)  
Emily Anne Voshell (#92997)  
Jade Chong-Smith (admitted *pro hac vice*)  
KaiserDillon PLLC

1099 14th Street, NW  
8th Fl. West  
Washington, DC 20005  
Tel: (202) 640-4430  
Fax: (202) 280-1034  
[jjeffress@kaiserdillon.com](mailto:jjeffress@kaiserdillon.com)  
[evoshell@kaiserdillon.com](mailto:evoshell@kaiserdillon.com)  
[jchong-smith@kaiserdillon.com](mailto:jchong-smith@kaiserdillon.com)

/s/

Nina J. Ginsberg (#19472)  
Zachary Deubler (#90669)  
DiMuroGinsberg, P.C.  
1101 King Street, Suite 610  
Alexandria, VA 22314  
Telephone: (703) 684-4333  
Facsimile: (703) 548-3181  
Email: [nginsberg@dimuro.com](mailto:nginsberg@dimuro.com)  
Email: [zdeubler@dimuro.com](mailto:zdeubler@dimuro.com)

*Attorneys for Defendant  
Zackary Ellis Sanders*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 5, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to counsel of record.

/s/ Jonathan S. Jeffress  
Jonathan S. Jeffress